

Remarks

I. Introduction

Claims 1, 4, 6-54, 56-69, 71 and 72 are pending in this application. By this amendment, claims 1, 4, 8, 27, 32, 40, 43, 57, and 71 are amended to further distinguish over the references of record, claims 72 and 73 are added, and claims 55 and 56 are cancelled without prejudice or disclaimer. Reconsideration, in view of the foregoing amendments and following remarks is respectfully requested. No new matter has been added by this amendment.

II. Request for Clarification

Page 2 of the Office Action lists 35 U.S.C. §102(e) and states that claims 1, 4, 6-69, and 71 are rejected under §102(e) as anticipated by a combinations of references. Applicants are uncertain whether the Examiner intended to reject the claims with an anticipatory rejection under §102 of an obviousness-type rejection under §103. A rejection under §102 requires that the reference teach each and every element of the claimed invention explicitly or inherently. In this case, the combination of references leads Applicants to believe that this was a mistake on the part of the Examiner and that the Examiner actually intended to reject the claims under §103. Applicants remarks therefore proceed under this assumption. Written confirmation is respectfully requested.

III. Traversal of Rejection §§102/103

Claims 1, 4, 6-69, and 71 stand rejected as allegedly obvious over U.S. Patent 6,088,686 to Walker *et al.* (hereafter “the Walker patent”), in view of a publication by Eliason (hereinafter “the Eliason publication”). At the outset Applicants note that claims 55 and 56 are no longer pending. As the rejection applies to the remaining claims it is respectfully traversed.

The Walker patent teaches a system to speeding up the processing time for a local branch representative (LBR) to deal with financial institution customers in offering them loan products and services by enabling online credit approval. In this system, the advantages of online systems are used to streamline the processing of applications for products and services offered by the financial institution. At best the teaches of the Walker patent should be characterized as automating many of the steps of the review and approval process for applications for credit. The patent admits this explicitly in the summary of the invention. In every embodiment, the process described in the Walker patent are initiated by a customer's application for credit. Moreover, the secondary reference, the Eliason publication is merely relied upon to allegedly evidence business automation through a website.

The claims of the instant application in direct contrast perform an application for credit while the customer is conducting an online transaction unrelated to the application for credit. Advantages of this system include elimination of the need for a local branch representative, operation that is transparent to the customer, the ability to reach customers who are not even intending to apply for credit, and the ability to reach customers as they are making a purchase transaction and potentially enable them to use the offered financial product to consummate the current transaction. None of these benefits are provided by, anticipated by, or obvious in view of the combination of references.

A. Independent Claim 1

With specific reference to the claimed subject matter of the instant application, Applicants submit that the combination of references fails to disclose or even suggest a method of offering a financial product to a customer while the customer is conducting an online purchase transaction through a vendor website, the method comprising, *inter alia*, receiving customer

identification information input by the customer to facilitate the transaction over a network connection, performing a credit application process comprising retrieving data related to the identification information using at least a portion of the identification information, and determining if the customer qualifies to receive an offer of the financial product based at least in part on the retrieved data, relaying information for the offer of the financial product to the web site over the network connection if the customer qualifies to receive the offer, and presenting the offer to the customer through the web site before the purchase transaction is complete, wherein the customer is unaware of the credit application process if the customer does not qualify, as recited in claim 1 and similarly recited in amended claim 1.

In the systems and methods described in the Walker patent customer identification information that is input by the customer to facilitate the purchase transaction over a network connection is not received. There are no transactions, online or otherwise, described in the Walker patent. Moreover, in the Walker patent, contrary to claim 1, the customer initiates the credit application process and therefore is aware of it. As relied upon by the Examiner and more generally, the Eliason publication fails to supply these deficiencies. Therefore, Applicants submit that claim 1 is patentable over the combination of references. Accordingly, withdrawal of the rejection of claim 1 is respectfully requested.

B. Independent Claims 32 and 71

Claims 32 and 71 similarly recite methods for offering a financial product to a customer while the customer is engaged in an online transaction comprising, *inter alia*, maintaining a web site, receiving identification information from a customer engaged in the online transaction without the customer initiating an application for a financial product, the identification information provided by the customer to the web site, forwarding the identification information

to a financial institution adapted to determine if the customer qualifies for the offer of the financial product, receiving an indication from the financial institution regarding the qualification of the customer, and offering the financial product through the website to the customer if they qualify while the customer is still engaged in the online transaction, wherein the acts of receiving the identification information, forwarding the identification information, receiving the indication of qualification and offering the financial product occur while the customer is conducting a transaction with the web site.

In the systems and methods described in the Walker patent customer identification is not received from a customer engaged in an online transaction without the customer initiating an application for a financial product. Rather, identification information is received as part of an application for a financial product. Moreover, the financial product is not offered to the customer while they are engaged in a transaction. The Eliason publication fails to supply these deficiencies. Therefore, Applicants submit that claims 32 and 71 are patentable over the combination of references. Accordingly, withdrawal of the rejection of these claims is respectfully requested.

C. Independent Claims 43 and 57

Claims 43 and 57 as amended include similar limitations in system form. For example, claim 43 recites a system for offering a financial product to a customer, the system comprising, *inter alia*, a network, a web site, a first interface coupled to the network that receives identification information regarding the customer, the identification information provided by the customer to the web site while the customer is conducting an online transaction on the web site, the web site having a second interface that retrieves data related to the received identification information, a processor coupled to the first interface and the second interface, the processor

adapted to determine if the customer qualifies for the offer of the financial product in response to the retrieved data, transmit the offer of the financial product to the customer via the network through the first interface if the customer qualifies, and present the offer to the customer via the first interface before the customer has completed the online transaction.

In the systems and methods described in the Walker patent there is no web site coupled to a network that receives identification information regarding the customer that is provided by while the customer is conducting an online purchase transaction on the web site. In addition, in the system described in the Walker patent an offer is not presented to the customer before the customer has completed the online transaction. As discussed above, there is no online transaction being conducted in the system described in the Walker patent. Finally, in the system of the Walker patent the customer may not use the financial product to complete the transaction upon acceptance of the offer. The Eliason publication fails to supply these deficiencies. Therefore, Applicants submit that claims 43 and 57 are patentable over the combination of references. Accordingly, withdrawal of the rejection of these claims is respectfully requested.

D. Dependent Claims 27 and 40

Claims 27, 40 and 72 recite the additional limitation that online transaction is a purchase transaction and that, if accepted, the customer may use the financial product to complete the transaction. Accordingly, Applicants submit that these claims are patentable over the combination of applied references for this reason as well as the for their dependence upon claims 1 and 32. Withdrawal of the rejection of these claims is respectfully requested.

E. Remaining Dependent Claims 4, 6-31, 33-42, 44-54, and 58-69

Applicants respectfully submit that the remaining dependent claims are patentable over the combination of applied references for at least the same reasons as independent claims 1, 32,

43, 57, and 71 as described above. Withdrawal of the rejection of these claims is respectfully requested.

IV. Conclusion

Applicants submit that this application is in condition for allowance. Favorable reconsideration and prompt allowance of all pending claims are earnestly solicited. Should the Examiner believe that anything further would be desirable or necessary to place this application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

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Respectfully submitted,

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